

CAHILL GORDON & REINDEL LLP
EIGHTY PINE STREET
NEW YORK, NY 10005-1702

FLOYD ABRAMS
L. HOWARD ADAMS
ROBERT A. ALESSI
HELENE R. BANKS
ANIRUDH BANSAL
LANDIS C. BEST
BRADLEY J. BONDI
SUSAN BUCKLEY
KEVIN J. BURKE
JAMES J. CLARK
BENJAMIN J. COHEN
SEAN M. DAVIS
STUART G. DOWNING
ADAM M. DWORKIN
ANASTASIA EFIMOVA
JENNIFER B. EZRING
JOAN MURTAGH FRANKEL
JONATHAN J. FRANKEL

BART FRIEDMAN
CIRO A. GAMBONI
CHARLES A. GILMAN
JASON M. HALL
WILLIAM M. HARTNETT
CRAIG M. HOROWITZ
DOUGLAS S. HOROWITZ
TIMOTHY B. HOWELL
DAVID G. JANUSZEWSKI
ELAI KATZ
THOMAS J. KAVALER
BRIAN S. KELLEHER
DAVID N. KELLEY
RICHARD KELLY
CHÉRIE R. KISER*
EDWARD P. KRUGMAN
JOEL KURTZBERG
MARC R. LASHBROOK

TELEPHONE: (212) 701-3000
WWW.CAHILL.COM

1990 K STREET, N.W.
WASHINGTON, DC 20006-1181
(202) 862-8900

CAHILL GORDON & REINDEL (UK) LLP
24 MONUMENT STREET
LONDON EC3R 8AJ
+44 (0)20 7920 9800

WRITER'S DIRECT NUMBER

ALIZA R. LEVINE
JOEL H. LEVITIN
GEOFFREY E. LIEBMANN
ANN S. MAKICH
JONATHAN I. MARK
BRIAN T. MARKLEY
WILLIAM J. MILLER
NOAH B. NEWITZ
MICHAEL J. OHLER
ATHY A. O'KEEFFE
DAVID R. OWEN
JOHN PAPACHRISTOS
LUIS R. PENALVER
KIMBERLY PETILLO-DECOSSARD
MICHAEL W. REDDY
JAMES ROBINSON
THORN ROSENTHAL
TAMMY L. ROY

JONATHAN A. SCHAFFZIN
JOHN SCHUSTER
MICHAEL A. SHERMAN
DARREN SILVER
HOWARD G. SLOANE
JOSIAH M. SLOTNICK
RICHARD A. STIEGLITZ JR.
SUSANNA M. SUH
ANTHONY K. TAMA
JONATHAN D. THIER
JOHN A. TRIPODORO
GLENN J. WALDRIP, JR.
HERBERT S. WASHER
MICHAEL B. WEISS
S. PENNY WINDLE
DAVID WISHENGRAD
COREY WRIGHT
JOSHUA M. ZELIG
DANIEL J. ZUBKOFF

*ADMITTED IN DC ONLY

212-701-3406

May 27, 2015

Re: *HLP Properties, LLC, et al. v. Consolidated Edison Company of
New York, Inc.* Docket No. 14-CV-1383(LGS)

Dear Judge Schofield:

I write with regard to Plaintiffs' report on their most recent re-examination of their privilege logs.

Mr. Mastro's May 26 letter to Your Honor (received by us at 11:43 PM) reports that Plaintiffs have completed their "'re-examination of the Consultant Documents' (referred to here as 'the Langan-related documents') that both appeared on Plaintiffs' privilege log and were produced to Con Edison during discovery" and, further, announces that Plaintiffs "are continuing to search the rest of Plaintiffs' privilege log for any other entries reflecting documents that have already been produced to Con Edison."

Let me be as clear as I know how to be: this is the wrong search. Although the results to date show how reckless Plaintiffs' log listings were, their efforts fail to address the more serious problem of whether the thousands of documents remaining on their log are privileged. The question is *not* merely whether Plaintiffs both claimed a document was privileged and simultaneously claimed it was not (although that is part of the problem). That is specious. What Plaintiffs should have done with regard to the Langan documents, and should be doing with regard to the non-Langan documents, is search their privilege log, item by item, to locate each and every item thereon over which they claimed a privilege that is not a privileged document.

Respectfully submitted,
/s/ Thomas J. Kavalier
Thomas J. Kavalier

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007
VIA ECF
cc: Counsel of record